

Indiana Department of Education

Division of Exceptional Learners

## **COMPLAINT INVESTIGATION SUMMARY**

|                              |                   |
|------------------------------|-------------------|
| COMPLAINT NUMBER:            | 1882.02           |
| COMPLAINT INVESTIGATOR:      | Brian Simkins     |
| DATE OF COMPLAINT:           | February 27, 2002 |
| DATE OF REPORT:              | March 27, 2002    |
| REQUEST FOR RECONSIDERATION: | n/a               |
| DATE OF CLOSURE:             | April 12, 2002    |

### **COMPLAINT ISSUES:**

Whether the Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-25-4(b) by failing to conduct an initial educational evaluation and convene a case conference committee within 60 instructional days from October 24, 2001, the date the parent provided a signed, written request to certified personnel.

### **FINDINGS OF FACT:**

1. The Student is nine years old and attends a local elementary school (the "School"). The Student was determined not eligible for special education and related services.
2. The School's referral form requesting an initial special education evaluation was signed by the parent on November 6, 2001, and received by the School on November 12, 2001. The School was unaware of an earlier written request from the parent, dated October 24, 2001, and received by the school principal. This earlier request came to the School's attention on January 14, 2002. In response, the local special education director sent out a memorandum revising the due date for completion of the initial evaluation. This memorandum was sent to the CAPD evaluator, the speech/language pathologist, the occupational therapist, the school psychologist, and the CODA secretary. The memorandum states that the 60 instructional timeline is to begin on October 24, 2001, rather than November 12, 2001. The new dates indicating the date of the parent's written request and the new date of compliance with the 60 instructional day timeline, February 6, 2002, were entered into the School's CODA system.
3. The evaluation was completed, and a case conference committee ("CCC") meeting was convened on February 6, 2002, to determine whether the Student is eligible for special education. According to the School's calendar, taking into consideration days when school was not open, 60 instructional days from October 24, 2001, is February 6, 2002.

### **CONCLUSIONS:**

1. Findings of Fact #2 and #3 indicate that the School did conduct an initial education evaluation and convened a CCC meeting within 60 instructional days from October 24, 2001, the date the parent provided a signed, written request to certified personnel. No violation of 511 IAC 7-25-4(b) is found.

**The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.**